

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN PARKER,

Plaintiff,

v.

STX PAN OCEAN CO., LTD.,

Defendant.

Case No. CV-09-05922-WHA

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO STAY MATTER PENDING  
ARBITRATION**

Judge **William H. Alsup**  
Courtroom 9, 19<sup>th</sup> Floor

Trial Date: March 5, 2012

It is hereby stipulated by and between defendant and cross-complainant C&H SUGAR COMPANY, INC., by and through their counsel of record herein GIBSON ROBB & LINDH LLP, and third party cross-defendant METROPOLITAN STEVEDORE COMPANY, by and through its counsel of record herein, LAW OFFICES OF JOHN MAHONEY, that C&H's Third Party Cross-Claim for Indemnity and Declaratory Relief against Metropolitan shall be stayed pending arbitration of the cross-claim pursuant to the Stevedore Agreement between C&H and Metropolitan. Said arbitration, which may be initiated by either party, will occur not less than ninety (90) days after the resolution of plaintiff's case in this matter by way of judgment or dismissal, e.g. settlement. In light of this stipulation, on approval of this stipulation, by the court, Metropolitan will take its currently pending Motion For Dismissal or Stay of Third-Party Complaint Pending Arbitration and/or for Dismissal of Third-Party Complaint for Failure to State a Claim off calendar

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2 It is further stipulated and agreed that this Court shall retain jurisdiction over said cross-claim  
3 until said arbitration is completed.  
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5 Dated: May 19, 2011

GIBSON ROBB & LINDH LLP

6 By: S/ MARKER E. LOVELL, JR.

7 Marker E. Lovell, Jr.

8 mlovell@gibsonrobb.com

9 Attorneys for Defendant/Cross-Defendant  
C&H SUGAR COMPANY, INC.

10 Dated: May 19, 2011

By: S/JOHN MAHONEY

11 John Mahoney

12 jdmlaw@yahoo.com

13 Attorney for Third-Party Defendant

METROPOLITAN STEVEDORE CO.,  
INC.

14 The parties shall submit a status report concerning arbitration of C&H's claims against  
15 Metropolitan 45 days after entry of judgment or dismissal. The June 9 hearing is **Vacated**.  
16 PURSUANT TO STIPULATION IT IS SO ORDERED.  
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Dated: May 31, 2011.



WILLIAM ALSUP

Judge of the District Court